

SEP 27 2006

**MORRISON | FOERSTER**755 PAGE MILL ROAD  
PALO ALTO  
CALIFORNIA 94304-1018TELEPHONE: 650.813.5600  
FACSIMILE: 650.494.0792

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NAME:	FACSIMILE:	TELEPHONE:
MS Amendment USPTO	(571) 273-8300	(571) 272-7592

**FROM:** Rhonda Dunn for  
Mark Schmidt**DATE:** September 27, 2006

Number of pages with cover page:	4	Client Ref: SP4290US/TA
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Preparer of this slip has confirmed that facsimile number given is correct: **12187/red3****Comments:**

Attorney Docket No.:	259052003600
Group Art Unit:	2627
Examiner:	C. Magee
Serial No.:	10/686,089
Filing Date:	October 14, 2003
Inventors:	Tatsunori YAMAMOTO et al.
Title:	OPTICAL PICKUP DEVICE
Document attached:	
<ul style="list-style-type: none"> <li>• Transmittal (1 page)</li> <li>• Response to Restriction/Election of Species Requirement (2 pages)</li> </ul>	

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pa-1097042

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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/686,089	
	Filing Date	October 14, 2003	
	First Named Inventor	Tatsunori YAMAMOTO	
	Art Unit	2627	
	Examiner Name	C. Magee	
Total Number of Pages In This Submission	3	Attorney Docket Number	259052003600

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (2 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Coversheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature	<i>Mark E. Schmidt</i>		
Printed name	Mark E. Schmidt		
Date	September 27, 2006	Reg. No.	47,063

Client Ref.: SP4290US/TA

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.	
Dated: September 27, 2006	Signature: <i>Rhonda Dunn</i> (Rhonda Dunn)

pa-1097016

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Dated: September 27, 2006 Signature:

*Rhonda Dunn*  
(Rhonda Dunn)

Docket No.: 259052003600

(PATENT)

CLIENT REF.: SP4290US/TA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Tatsunori YAMAMOTO et al.

Application No.: 10/686,089

Confirmation No.: 6818

Filed: October 14, 2003

Art Unit: 2627

For: AN OPTICAL PICKUP DEVICE

Examiner: C. Magee

**RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the non-final Office Action mailed August 30, 2006 (Paper No. 20060822), which set forth a Restriction/Election of Species Requirement for pending claims 1-15, and for which a response is due on September 30, 2006. This response is timely filed.

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Application No.: 10/686,089

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Docket No.: 259052003600

The Examiner has required election of a single disclosed species under 35 USC § 121 for prosecution on its merits. Election to one of the following patentably distinct species of the claimed inventions is required:

Species A: Figures 1-8.

Species B: Figures 9-13.

In response to the election of species requirement, Applicant hereby elects without traverse Species A (Figures 1-8). Claims 1-8 read on the subject matter of Species A. Examination on the merits of the elected subject matter is hereby respectfully requested.

As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species covered by the generic claim.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 259052003600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 27, 2006

Respectfully submitted,

By Mark E. Schmidt

Mark E. Schmidt

Registration No.: 47,063

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-4222

pa-1097017